REMARKS

This is a full and timely response to the non-final Office Action of June 4, 2007. Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Fifth Response, claims 29-34 have been newly added and are pending in this application. Claims 1, 3-9, 11-15, and 17-28 have been cancelled without prejudice or disclaimer. It is believed that the addition of claims 29-34 and the cancellation of claims 1, 3-9, 11-15, and 17-28 add no new matter to the present application.

Response to §112 Rejections

Claim 1 presently stands rejected under 35 U.S.C. §112, second paragraph. However, claim 1 has been cancelled herein thereby mooting the 35 U.S.C. §112, second paragraph, rejection of this claim.

Response to §103 Rejections

In order for a claim to be properly rejected under 35 U.S.C. §103, the combined teachings of the prior art references must suggest all features of the claimed invention to one of ordinary skill in the art. See, *e.g.*, *In Re Dow Chemical Co.*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). In addition, "(t)he PTO has the burden under section 103 to establish a *prima facie* case of obviousness." *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

<u>**Claims 1, 3-9, 11-15, and 17-28**</u>

Claims 1, 3-9, 11-15, and 17-28 presently stand rejected under 35 U.S.C. §103.

However, claims 1, 3-9, 11-15, and 17-28 have been cancelled via the amendments set forth

herein thereby mooting the 35 U.S.C. §103 rejections of these claims.

<u>**Claim 29**</u>

Claim 29 has been newly added via the amendments set forth herein. Claim 29

presently reads as follows:

> 29. A communication system, comprising:
> a plurality of network elements, each of the network elements coupled to a respective subscriber line extending from a field office of a communication network to a respective customer premise and configured to control communication occurring on the respective subscriber line;
> a plurality of clients remotely located from the network elements, the plurality of clients including at least a first client and a second client, the first client configured to receive a user input for selecting one of the network elements or a network element type; and
> an element management system (EMS), the EMS comprising:
> memory for storing sets of graphical user interface (GUI) code, each set of GUI code associated with a respective network element type; and
> a system controller configured to select one of the sets of GUI code in response to the user input based on the network element type associated with the selected set of GUI code, the system further configured to transmit the selected set of GUI code to the first client during a first communication session between the EMS and the first client, wherein the selected set of GUI code, when run on the first client, causes the first client to display a GUI for enabling a user to establish a provision template for provisioning at least one of the network elements, the provision template having a plurality of control values, each of the control values indicative of how the user of the first client has specified a respective network element attribute is to be provisioned, the system controller configured to receive the provision template from the first client during the first communication session and to associate the provision template with an identifier identifying the provision template, the system controller further configured to store the provision template in the memory of the EMS, the system controller configured to receive a request from the second client during a second communication session between the EMS and the second client, the request identifying a plurality of the network elements, the system controller further configured to retrieve the provision template based on the identifier and to automatically provision, in response to the request, each of the plurality of network elements identified by the request based on the control values of the retrieved provision template.

Applicants submit that the cited art fails to disclose or suggest each feature of claim 29. As a mere example, it is apparently asserted in the outstanding Office Action that *Lewis* (U.S. Patent No. 6,243,747) discloses a system that uses a "template" to manage network devices. However, *Lewis* defines a "template" as a "list of attributes," and the "template" recited by *Lewis* does not appear to include any "control values," as recited by claim 29. See Column 3, lines 61-62.

In particular, *Lewis* describes a configuration manager that appears to retrieve attribute values from network devices for presentation to a user so that the user can view such values. The "template" functions as a filter by apparently preventing the values of the attributes not identified by the "template" from being displayed to the user. See column 4, lines 3-8. Even if the retrieved attribute values are considered to constitute "control values," it does not appear that the "template" includes any such values but instead specifies which of the retrieved values are to be displayed. Moreover, *Lewis* fails to indicate at least that the "template" has any "control values" wherein "each of the control values (is) indicative of how a user of the first client has specified a respective network element attribute is to be provisioned," as recited by claim 29. Thus, the "template" recited by *Lewis* cannot constitute the "provision template" recited by claim 29. Moreover, Applicants believe that pending claim 29 is allowable.

Claims 30 and 31

Claims 30 and 31 have been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 30 and 31 contain all features of their respective independent claim 29. Since claim 29 should be allowed, as argued hereinabove, pending dependent claims 30 and 31 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 32

Claim 32 has been newly added via the amendments set forth herein. Claim 32

presently reads as follows:

> 32. A method for use in a communication system having a plurality of
> network elements, each of the network elements coupled to a respective
> subscriber line extending from a field office of a communication network to a
> respective customer premise, comprising the steps of:
> storing sets of graphical user interface (GUI) code;
> associating each set of GUI code with a respective network element
> type;
> receiving, at a first client, a user input for selecting one of the plurality of
> network elements or a network element type;
> selecting one of the sets of GUI code in response to the user input
> based on the network element type associated with the selected set of GUI
> code;
> transmitting the selected set of GUI code to the first client during a first
> communication session with the first client, wherein the selected set of GUI
> code, when run on the first client, causes the first client to display a GUI for
> enabling a user to establish a provision template for provisioning at least one of
> the network elements;
> receiving the provision template from the first client, the provision
> template having a plurality of control values, each of the control values
> indicative of how the user of the first client has specified a respective network
> element attribute is to be provisioned;
> associating the provision template with an identifier identifying the
> provision template;
> storing the provision template;
> receiving a request from a second client during a second
> communication session with the second client, the request identifying a plurality
> of the network elements;
> retrieving the provision template based on the identifier; and
> automatically provisioning, in response to the request, each of the
> plurality of network elements identified by the request based on the control
> values of the retrieved provision template.

Applicants submit that the cited art fails to disclose or suggest each feature of claim 32. Thus,

Applicants respectfully submit that claim 32 is allowable.

Claims 33 and 34

Claims 33 and 34 have been newly added via the amendments set forth herein.

Applicants submit that the pending dependent claims 33 and 34 contain all features of their

respective independent claim 32. Since claim 32 should be allowed, as argued hereinabove,

pending dependent claims 33 and 34 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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